

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:17-CR-00057-KDB-DCK-1**

UNITED STATES OF AMERICA,

v.

SILVER ELISE JONES,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant Silver Elise Jones' *pro se* motion for compassionate release under 18 U.S.C. § 3582(c)(1) and the First Step Act of 2018. (Doc. No. 52). Having carefully reviewed the Defendant's motion and all other relevant portions of the record, the Court will deny the motion.


Defendant is a 46-year-old female serving her prison sentence at FCI Hazelton in West Virginia. Her current projected release date is April 1, 2026. Defendant bases her current motion on the claim that she needs to be released, or serve the balance of her sentence in home confinement, due to family circumstances. *Id.* She states that her father has had multiple heart attacks and had one as recently as May 8, 2022. *Id.* According to her Presentence Investigation Report that was filed in May, 2018, her father is in poor health and has had previous heart attacks. (Doc. No. 30, ¶ 102). Defendant also states that her 17-year old son lives with her father. (Doc. No. 52, at 1). However, the Presentence Report also states that Defendant's step-mother, Gwen Jones, who is now around 73, lives with Defendant's father and thus the Court finds that she could look after Defendant's father and minor child. (Doc. No. 30, ¶ 102, Doc. No. 52, at 1).

With the Fourth Circuit's recent decision in *United States v. McCoy*, 981 F. 3d 271 (4th Cir. 2020), there is now no applicable policy statement governing compassionate release motions filed by defendant. *Id.* at 284. As a result, district courts are empowered to consider any extraordinary and compelling reason for release that a defendant may raise. *Id.* However, this Court finds that there are others that can look after Defendant's father and minor child and Defendant has not shown that "extraordinary and compelling" reasons support her release.

IT IS, THEREFORE ORDERED, Defendant's *pro se* motion for reduction in sentence under 18 U.S.C. § 3582(c)(1)," (Doc. No. 52), is **DENIED**.

SO ORDERED.

Signed: May 24, 2022

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

